

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
01/06/05  
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz,  
Ed Simmons, John Warner, Clara Shepherd

ABSENT:

EXCUSED:

STAFF: Henry Faltinowski, Anthony Kleibecker, Carmen Smith, Don  
LaBrenz, Kevin Stier, MPD

GUESTS: Sandra & Randy Bowman (104 Catherine), Joanie A.  
Wallace (1261 6<sup>th</sup>), Maria & Jorge Gonzalez (1063 1<sup>st</sup>),  
Robert Zavitz & Bernadine Magna (1778 Pine), Cedric  
Jenkins (1916 Clinton), Students from Muskegon High  
School

Meeting minutes: A motion was made by Jon Rolewicz and seconded by John Warner to approve the December minutes. Motion rescinded. John Warner noted an error on page 3 of 5 where Clara Shepherd is included in roll call vote and she was excused from that meeting. Correction noted. Motion to approve December minutes made by Jon Rolewicz and seconded by John Warner. The motion passed unanimously.

Election of officers: A motion to retain the same chairperson, Greg Borgman and vice-chair, John Warner. A motion was made by Randy Mackie and seconded by Clara Shepherd. The motion passed unanimously.

Two members on the Housing Board of Appeals Nick Kroes and Jon Rolewicz terms were to expire at the end of January 2005. Mrs. Shepherd reported that it was brought before the City Commissioners and she recommended that the same two people be retained for another term and it passed unanimously.

## **PROPERTY MAINTENANCE APPEAL:**

**1227 4<sup>TH</sup> – George Schappert, 1227 4<sup>th</sup>, Muskegon, MI 49441**

Mr. Howard Harvey, who is George Schappert caregiver, was present to represent this case.

Mr. Harvey stated that a furnace was installed in the downstairs apartment with the help of Family Independence Agency. He stated three persons were living upstairs for 39 days then it got cold. No one is residing upstairs at this time because there is no funds to repair. Foreclosure has been discontinued because taxes were paid for the 2002 tax year and summer of 2004. He stated those were the two primary things they had accomplished since the last HBA meeting. He stated he understood an extension was given of 180 days at the last HBA meeting and they were trying to make a decision whether to continue paying the taxes and move back upstairs later. He said they have a furnace approved for upstairs with R & K Heating but have not had the funds to have it installed. Nick Kroes stated it should be clarified that the last HBA meeting the motion was rescinded because the board was concerned about the heat and did not approve the extension of 180 days. Randy Mackie suggested they apply for exemption for taxes. Mr. Howard stated he had tried but the income was over the required level.

Staff recommendation: Table for 180 days.

A motion was made by Nick Kroes and seconded by Jon Rolewicz to accept staff recommendation. The motion carried unanimously.

## **DANGEROUS BUILDING REVIEW CASES:**

**EN-040061 – 621 Adams – Terry/Melva Pollard, 1080 Terrace Apt. #502, Muskegon, MI 49442**

No one was present to represent this case.

Anthony Kleibecker stated notices were sent out to Terry/Melva Pollard and to West Michigan Bail Bonds. The notices were received back in the mail from Terry/Melva Pollard with note on the envelope saying deceased. There have been no contact with the Pollard family or West Michigan Bails Bonds at this time.

Staff Recommendation: Declare this building substandard, a public nuisance,

and dangerous building.

A motion was made by Nick Kroes and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
Clara Sheperd			
Ed Simmons			
John Warner			

The motion carried.

**EN-030162 – 1063 First St., Jorge/Maria Gonzalez, 27 Spanish Ct. SE,  
Wyoming, MI 49548**

Mr. Jorge and Maria Gonzalez were present to represent this case.

Greg Borgman asked if staff could update the board on this case. Don LaBrenz stated that things seems to be moving in the right direction and Mr. Gonzalez now has people working with him that understand what needs to be done. Mrs. Shepherd stated she was happy to see improvements especially removal of the tree.

Staff Recommendation: Table until June 2005.

A motion was made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Clara Shepherd			
John Warner			
Randy Mackie			
Jon Rolewicz			
Ed Simmons			
Nick Kroes			

The motion carried.

**03-67 –1124 Peck – Edward Imbault, 15394 Ritchie Ave. NE, Cedar Springs, MI 49319**

No one was present to represent this case.

Anthony Kleibecker said there had been some communication with Mr. Imbault stating his intention to have the house completed and put on the market by June 1<sup>st</sup>. 2005. Don LaBrenz stated Mr. Imbault had put a lot of effort in getting the outside straightened up so that it looks pretty decent. Don LaBrenz stated Mr. Imbault couldn't attend the meeting tonight because of a previous engagement. Mr. Imbault has been in the Inspection Department a few times this week basically sharing his intent on rehabilitating the house and getting it back on the market by June. Greg Borgman stated he and Randy Mackie had driven by the house and had concerns about the foundation. Greg Borgman said it appeared to be bowed. Don LaBrenz stated there was a few breaks in the foundation but Mr. Imbault plans on having someone work on the house over the next few weeks. Nick Kroes wanted to know if Mr. Imbault was working with staff on this. Don LaBrenz stated the case came back because of miscommunication. Mr. ImBault was under the impression he just had to repair the outside and he was done. The reason it came back before the HBA was because Mr. Imbault had not contacted staff. Greg Borgman shared current pictures of property. Greg Borgman also stated while riding pass the house they thought there was good progress from what they could see.

Staff Recommendation: Table until June 2005.

Motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Clara Shepherd  
Greg Borgman  
John Warner  
Randy Mackie  
Jon Rolewicz  
Ed Simmons  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

**EN-040069 – 1778 Pine – Robert & Janice Zavitz, Muskegon, MI 49442**

Robert Zavitz was present with his sister Bernadine Magna to represent this case.

Bernadine Magna stated that the last time they were before the HBA they were trying to work something out with Ardyce from CNS to get help with repairs. They had gotten the interior inspection report. Ardyce had done a title check, which showed bank as second party on title. Ardyce informed Mr. Zavitz that if they could get in contact with the bank to agree to a payment arrangement and submit that in writing then Ardyce would be able to get approval to help with needed repairs. Ms. Magna had just gotten the phone number of the Bank of NY and her plans was to call to see if the bank would agree. Greg Borgman said his concern was there was a lot of if's hanging out there. Mrs. Shepherd asked if Mr. Zavitz was living in the house. Mr. Zavitz stated yes since 1981. Mrs. Shepherd asked if Mr. Zavitz was confined to a wheelchair. Mrs. Shepherd said this structure posed a real danger especially according to the electrical report. Greg Borgman wanted to know if Ms. Magna had spoken with an inspector. Don LaBrenz answered no. Mrs. Shepherd asked if anyone was familiar with this case. Henry Faltinowski said he was familiar with case and they were waiting until the title business could be cleared up before anyone could proceed. Greg Borgman said his perception is this case could go on for months and months. Jon Rolewicz asked if house was a fire hazard. Don LaBrenz stated that it was a possibility. Greg Borgman stated when a house comes before HBA there are serious issues with a building, they usually are pretty bad when they get this far in the process and being that someone was living in the house makes him more concerned because of Mr. Zavitz well being. Ms. Magna said if the house is condemned who will relocate Mr. Zavitz? Ed Simmons asked if there was a hole in the ceiling? Ms. Magna indicated the ceiling was bowed. Nick Kroes wanted it clarified who Ardyce was. Anthony Kleibecker said Ardyce works for the Community Neighborhood Services who provides assistance through the CDBG Fund. Clara Shepherd stated this house is an extreme danger especially to a man confined to a wheelchair living in it with the electrical issues of primary concern. She stated if anything happens to Mr. Zavitz while living under these conditions would be the fault of the HBA if they allowed this to happen. Mrs. Shepherd recommended that Mr. Zavitz relocate until repairs could be done. Mrs. Shepherd asked if taxes were paid on this house. Ms. Magna answered yes. Nick Kroes stated he recommended that the house be declared which might light a fire under Bank of New York to realize they have money hanging out there and a chance that the house could still be saved. It would be a period of time before this case goes before the City Commission and if concurred, before it would go out for bid. This would allow time for Mr. Zavitz to pressure the Bank of New York to send fax stating the property will be condemned if not acted upon. Greg Borgman stated this doesn't mean the end but will light the fire before a real

fire happens. Ed Simmons asked why no upkeep has been done to the house it appears for 20 years. Mr. Zavitz answered there had been painting done. Ed Simmons asked if this case had not been brought before this board if there would have been any attempts to rehab this house. Randy Mackie recommended Mr. Zavitz try to relocate during this time. Greg Borgman mentioned that board is concerned about Mr. Zavitz well being and would worry about a fire due the electrical issues.

Staff recommendation: Declare this building substandard, a public nuisance, and dangerous building.

Motion was made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Clara Shepherd			
John Warner			
Randy Mackie			
Jon Rolewicz			
Ed Simmons			
Nick Kroes			

The motion carried.

There was a recess to sign students slips so they could be excused early to attend other after school activities.

### **03-38 – 680 Orchard Garage – Robert Lee, Muskegon, MI 49442**

No one was present to represent this case.

Anthony Kleibecker stated that there had been no contact with owner since November 2004.

Staff Recommendation: Declare this building substandard, a public nuisance, and dangerous building.

Motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
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Greg Borgman  
Clara Shepherd  
John Warner  
Randy Mackie  
Jon Rolewicz  
Ed Simmons  
Nick Kroes

The motion carried.

### **DANGEROUS BUILDING CASES – NEW CASES**

#### **EN-040063-104 Catherine Garage – Randal Bowman, Muskegon, MI 49442**

Randal & Sandra Bowman was present to represent this case.

Sandra Bowman stated they planned to tear down the garage themselves but was waiting for dumpster to be delivered. They had wanted to repair it but concluded it was not cost effective.

Motion was made by Clara Shepherd and seconded by John Warner to accept staff recommendation.

Staff recommendation: Declare this building substandard, a public nuisance, and dangerous building.

A roll call vote was taken:

**AYES:**

Nick Kroes  
Ed Simmons  
Jon Rolewicz  
Randy Mackie  
John Warner  
Clara Shepherd  
Greg Borgman

**NAYES:**

**EXCUSED:**

**ABSENT:**

The motion carried.

#### **EN-040021 – 1916 Clinton – Jenkins Investment Properties LLC, 2314 Vincent Dr., Muskegon, MI 49441**

Cedric Jenkins was present to represent this case.

Mr. Jenkins stated due to his financial situation and a job change in the fall that he didn't have the resources to finish the repairs. He recently got another job and plans to have an electrical permit pulled soon. A permit was pulled for mechanical work that had to be done. The hot water heaters are installed. Roof liner has to be installed. Plumbing permit pulled and all the work is done except there was a problem with the upstairs toilet leaking into the downstairs apartment. He had a licensed plumber install a new toilet, toilet ring and copper piping. He failed to have a final inspection done before drywalling and closed up the area. He said the inspector informed him he would contact the plumber to see if work was done properly otherwise if the wall would have to be opened up again for inspection. Mr. Jenkins apologized for the delay in completing repairs but he assured the board that he was back on track now and wanted to comply with the city to complete all repairs. Greg Borgman stated the problem was that Mr. Jenkins let the property get in such disrepair it had to come to this board. Greg Borgman mentions there were tons of negligence there. Henry Faltinowski stated Rick Clark, the plumbing inspector, went out but the inspection failed but he understood Mr. Jenkins was working on the problem. Henry Faltinowski mentioned the problem had been Mr. Jenkins they had not kept in contact with Inspections Department. Mr. Jenkins apologized again stating after he lost his job he didn't have the financial resources to work on the house like he wanted to but he does understand the protocol to stay in touch with inspectors so they can see progress being made. Greg Borgman stated that instead of tabling this case there should be some action taken. Mr. Jenkins stated he is very serious and he has a lot of money tied up into the project and would like to keep the property. Nick Kroes asked how long will it take to complete the repairs. Mr. Jenkins said he needs to wait for the snow to break to put the roof on and address repairing the back porch and south side of the house he estimates it would take him until mid spring to complete the project. Nick Kroes said he can appreciate the problem with his job but this has been going over a year so he recommends that it be declared so there won't be any delay and back before the board again. Mrs. Shepherd suggested he follow thru on his plans with no delay because once it comes before commission and approved it's over.

Motion was made by Nick Kroes and seconded by John Warner to accept staff recommendation.

Staff recommendation: Declare this building substandard, a public nuisance, and dangerous building with delay of 120 days before sending it to commission.

A roll call vote was taken:

AYES:

Greg Borgman  
Clara Shepherd  
John Warner  
Randy Mackie

NAYES:

EXCUSED:

ABSENT:



John Rolewicz  
Ed Simmons  
Nick Kroes

The motion carried.

**EN-040076 – 1261 Sixth St. Garage – Joanie A. Wallace, Muskegon, MI  
49441**

Joanie Wallace was present to represent this case.

Mrs. Wallace said she's waiting for dumpster from Laidlaw to be delivered then she plans on tearing it down. Ed Simmons asked had a permit been pulled. Mrs. Wallace said she would pull the permit herself a week before dumpster is delivered.

Motion was made by John Warner and seconded by Nick Kroes to accept staff recommendation.

Staff recommendation: Declare this building substandard, a public nuisance, and dangerous building.

A roll call vote was taken:

AYES:

Greg Borgman  
Clara Shepherd  
John Warner  
Randy Mackie  
Jon Rolewicz  
Ed Simmons  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

The motion carried.

OLD BUSINESS:

Clara Shepherd asked about 1530 Hoyt Street. The front door is wide open during holiday season. Mrs. Shepherd said police can go and close the door. Don LaBrenz said the property was bid out for demoltion. Kevin Stier said he would see that it was taken care of. Mrs. Shepherd also brought up 444 Orchard, which is owned by the State of Michigan but there is no water but people are living in house. Mrs. Shepherd says many elderly neighbors are complaining. Mrs. Shepherd asked does the City have jurisdiction over squatters. Anthony Kleibecker said he would contact Major Metcalf regarding this property and see what could be done.

There was discussion regarding the housing inspection transition and having an optimistic attitude that it can work if everyone is committed to it. John Warner asked if it was true what was stated in the Chronicle regarding refusal of former housing inspectors to train firefighters. Ed Simmons said he didn't blame the housing inspectors for not training the firefighters being a member of a union presently going through negotiations himself. He felt what was done to them was very unfair. He asked Mr. Kleibecker if he would have in his heart to train a person for a position that he had been eliminated from. Mr. Kleibecker said in the context of the huge budget cuts and many people taking on many extra duties with limited resources he would have done it. Nick Kroes asked how long it might take before grievances are resolved. Mr. Kleibecker stated they are in negotiations with the union and there was a session today which he felt went well. Mr. Kleibecker gave updates on 557 Clay, which has been brought before HDC again with plans for the front porch. Mr. Sieradzki has until March 7, 2005 due to the city ordinance of the HDC before the City can proceed. Mr. Sieradzki is in the process of filing papers in circuit court. Mr. Kleibecker said the property at 523 W. Webster is in court. Mr. Kleibecker and Henry Faltinowski went to court in December where a 30-day adjournment was asked for. Mr. Kleibecker stated structurally the house is in bad shape. They are scheduled to go back to court on Monday, January 10, 2005. Clara Shepherd asked who is going to do the training for the Housing Inspectors. Mr. Kleibecker said they were bringing in an outside source to train. Jon Rolewicz asked about current dangerous building report be updated because many repaired and demolished properties remain on the list. Greg Borgman asked about a house on Third & Merrill as to who the owner was he mentioned the house has been board up and the picket fence is deteriorating. Nick Kroes asked about Larch Avenue Gift shop, which has been abandoned for awhile. There was discussion regarding policy of abandoned cars. Greg Borgman asked about 1069 Second if there was a fire. Mr. Kleibecker stated there was no fire but area agencies were contacted and the property was vacated. Mrs. Shepherd asked about 1317 Seventh Street if the Inspections Department was keeping up with that property. Henry Faltinowski said Inspections was checking on them. Mrs. Shepherd asked about the Certificate of Occupancy for rental houses. Mr. Kleibecker said all landlords would be looked at.

**ADJOURNMENT: 7:12 P.M.**

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR  
SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Gail Kunding, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773